


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

FILED BY   
05 JUL 21 AM 8:12 D.C.  
THOMAS M. GOULD  
CLERK U.S. DISTRICT COURT  
W.D. OF TN, JACKSON

UNITED STATES OF AMERICA, )

Plaintiff, )

VS. )

Civ. No. 05-1138-T/An

Crim. No. 03-10074-T

RICKEY DEAN MCALISTER, )

Defendant. )

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ORDER DENYING MOTION FOR EVIDENTIARY HEARING  
AND/OR RULING

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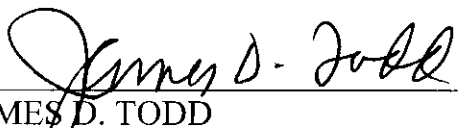
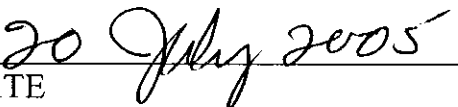
Defendant Rickey Dean McAlister, Bureau of Prisons inmate registration number 19225-076, an inmate at the Federal Medical Center in Lexington, Kentucky, filed a *pro se* motion pursuant to 28 U.S.C. § 2255 on May 13, 2005. On July 20, 2005, he filed a motion requesting an evidentiary hearing and/or a ruling.

Pursuant to Rule 4(b) of the Rules Governing § 2255 Cases, the Court must conduct an initial examination of the defendant's motion in order to determine whether it should be dismissed, or whether the United States should be ordered to file a response. Plaintiff will be notified when that initial examination is complete. If a response is required from the United States, the Court will then consider plaintiff's motion, the response and the record

below to determine whether an evidentiary hearing is necessary.

The motion for an evidentiary hearing and/or ruling is DENIED.

IT IS SO ORDERED.

  
\_\_\_\_\_  
JAMES D. TODD  
UNITED STATES DISTRICT JUDGE  
  
  
\_\_\_\_\_  
DATE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 4 in case 1:05-CV-01138 was distributed by fax, mail, or direct printing on July 22, 2005 to the parties listed.

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Rickey Dean McAlister  
Federal Medical Center  
19225-076  
P.O. Box 14500  
Lexington, KY 40512

USA

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Honorable James Todd  
US DISTRICT COURT